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**THORPE  
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 AND RELATED MATTERS



SALT LAKE AREA OFFICE  
 8180 SOUTH 700 EAST, SUITE 200  
 SANDY, UTAH 84070-0562  
 801.566.6633  
 801.566.0750 FAX  
 PATLAW@TNW.COM  
 WWW.TNW.COM

U.S. MAILING ADDRESS  
 P.O. Box 1219  
 SANDY, UTAH 84091-1219  
  
 LAS VEGAS AREA OFFICE  
 OF COUNSEL: NEIL J. BELLER †  
 7408 WEST SAHARA  
 LAS VEGAS, NEVADA 89117  
 702.368.7767  
 † ADMITTED IN NEVADA

VAUGHN W. NORTH  
 M. WAYNE WESTERN  
 GARRON M. HOBSON  
 PETER M. DE JONGE  
 CLIFTON W. THOMPSON  
 STEVE M. PERRY  
 WEILI CHENG, PH.D.  
 DAVID R. MCKINNEY, PE.  
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 DAVID W. OSBORNE  
 DAVID L. STOTT  
 JASON R. JONES  
 ERIK S. ERICKSEN, M.S.  
 JOHN W. L. OGILVIE  
 ALEX HAYMOND, B.S. EE  
 NATHAN S. WINESSETT  
 ATTORNEYS

TODD B. ALDER, PH.D.  
 JONATHAN M. BENNS, PH.D.  
 PATENT AGENTS

AARON M. SMITH, B.S. EE  
 WILLIAM T. RALSTON, PH.D. EE  
 TECHNICAL CONSULTANTS  
 CALVIN E. THORPE  
 (1938-1999)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Re: U.S. Patent Application No. 10/814,660, Filed 3/30/04

Inventor(s): Sung et al.

**HEALTHCARE AND COSMETIC COMPOSITIONS CONTAINING  
 NANODIAMOND**

Confirmation No.: 5907

Group Art Unit: 1617

Attorney Docket No. 22708

Dear Sir/Madam:

Transmitted herewith for filing and pursuant to 37 C.F.R. §§ 1.56 and 1.97 is an Information Disclosure Statement.

Enclosed also are the following designated documents, as required under 37 C.F.R. §§ 1.97 and 1.98:

- Form PTO-1449 list of 12 reference(s) submitted for consideration.
- Legible copies of all the listed references or their relevant portions.
- Legible copies of the listed non-patent documents and foreign documents or their relevant portions are included.
- Copies of U.S. patents and/or publications are not included pursuant to the Official Gazette Notice, dated Aug. 5, 2003, waiving the requirement of 37 C.F.R. 1.98(a)(2)(i).

Commissioner for Patents

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All English translations of each non-English reference, if any, within the possession, custody, control or availability of anyone designated in 37 C.F.R. § 1.56(c) (see 37 C.F.R. § 1.98(c)).

The following are included within the Information Disclosure Statement if applicable and as required under 37 C.F.R. § 1.98:

Concise explanation of relevance of each reference not in English and unaccompanied by an English translation.

Statement that certain listed references not enclosed are substantially cumulative of an enclosed reference.

Statement that certain listed references not enclosed were previously cited by or submitted to the Office in the identified prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

In order to secure consideration of the items designated above, one or more of the following, if required, is also enclosed:

Statement under 37 C.F.R. § 1.97(e)(1) or (2).

Check No. \_\_\_\_\_ in the amount of \$180.00 (amount in § 1.17(p)) constituting the submission fee set forth in 37 C.F.R. § 1.17(p).

In the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that the Statement meets the requirements of 37 C.F.R. § 1.97(e), or in any other event remediable by a fee, please credit any over payment or charge any additional fees to Deposit Account No. 20-0100 of the undersigned.

Dated this 25<sup>th</sup> day of June, 2004.

Respectfully submitted,

M. Wayne Western  
Attorney for Applicant  
Registration No. 22,788

THORPE NORTH & WESTERN, LLP  
Customer No. 20,551  
P.O. Box 1219  
Sandy, Utah 84091-1219  
Telephone: (801) 566-6633

MWW/DWO/ESE/em  
Enclosures

IN THE UNITED STATES PATENT & TRADEMARKS OFFICE



ART UNIT:	1617	INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97	
APPLICANT:	Sung et al.	CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8	
SERIAL NO.:	10/814,660	DATE OF DEPOSIT: <u>6-25-04</u>	
FILED:	3/30/04	I hereby certify that this paper or fee (along with any paper or fee referred to as being attached or enclosed) is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
CONFIRM. NO.:	5907	 Emily Mecham	
FOR:	HEALTHCARE AND COSMETIC COMPOSITIONS CONTAINING NANODIAMOND		
ATTORNEY DOCKET NO. 22708			

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir/Madam:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). Applicant respectfully submits that this Information Disclosure Statement is filed pursuant to:

37 C.F.R. § 1.97 (b)(1) or (3), within three months of the filing date of the application, or before a first office action on the merits, whichever occurs last;

37 C.F.R. § 1.97 (c), after a first office action on the merits, but before a Final Office Action or a Notice of Allowance, whichever occurs first, and is accompanied by either 1) a statement in accordance with 37 C.F.R. § 1.97(e), or 2) the fee set forth in § 1.17(p); or

37 C.F.R. § 1.97 (d), after a Final Office Action or Notice of Allowance, whichever occurs first, but on or before payment of the issue fee, and is accompanied by both 1) a statement in accordance with 37 C.F.R. § 1.97(e), and 2) the fee set forth in § 1.17(p).

While no representation is made that any of these references may be "prior art" within the meaning of that term in accordance with 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Information Disclosure Statement  
Commissioner for Patents  
Page 2

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the references listed, together with any other references which may have been previously submitted or listed, are the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each listed reference (or relevant portion thereof) which was not previously submitted to, or cited by, the Patent Office is also enclosed.

Legible copies of the listed non-patent literature and foreign documents or their relevant portions. Copies of U.S. patents and/or publications are NOT included pursuant to the Official Gazette Notice, dated Aug. 5, 2003, waiving the requirement of 37 C.F.R. 1.98(a)(2)(i).

The references listed in the accompanying Form PTO-1449 are NOT enclosed because, under 37 C.F.R. § 1.98(d), they were previously cited by or submitted to the Office in application number \_\_\_\_\_, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

For all listed references that are not either in the English language, or accompanied by a translation into English, a concise explanation of relevance as required under 37 C.F.R. § 1.98(a)(3) is enclosed attached to each.

Please charge any additional fees or credit any overpayment to Deposit Account No. 20-0100.

Dated this 25<sup>th</sup> day of June, 2004.

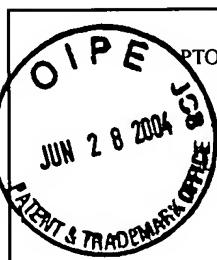
Respectfully submitted,



M. Wayne Western  
Attorney for Applicant  
Registration No. 22,788

THORPE NORTH & WESTERN, LLP  
Customer No. 20,551  
P.O. Box 1219  
Sandy, Utah 84091-1219  
Telephone: (801) 566-6633

*DWO/ESE*  
MWW/DWO/ESE/em



PTO-1449

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.  
22708SERIAL NO.  
10/814,660

## LIST OF PRIOR ART CITED BY APPLICANT

APPLICANT Sung et al.

FILING DATE  
3/30/04GROUP  
1617

## U.S. PATENT DOCUMENTS

EXAMINER INITIALS		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A1	2003/0032693	02/13/2003	Angeletakis et al.			
	A2	2003/0049291	03/13/2003	Cheski			
	A3	2003/0059389	03/27/2003	Tournilhac et al.			
	A4	2003/0064086	04/03/2003	Carrión et al.			
	A5	2003/0165550	09/04/2003	Rhoades			
	A6	2003/0211954	11/13/2003	Kono et al.			
	A7	6,352,687	03/05/2002	Ismailer et al.			
	A8	6,358,499	03/19/2002	Hall-Puzio et al.			
	A9	6,500,183	12/31/2002	Waldrom			
	A10	6,593,395	07/15/2003	Angeletakis et al.			
	A11						
	A12						

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIALS		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
	A13						
	A14						
	A15						
	A16						
	A17						

## OTHER PRIOR ART (Including Author, Title, Pertinent Pages, Etc.)

A18	Rittner, Mindy, "Nanoparticles - What's Now, What's Next?" CHEMICAL ENGINEERING PROGRESS, 39S-42S, November 2003.
A19	"Xu, Kang and Qunji Xue, "A New Method for Deaggregation of Nanodiamond from Explosive Detonation: Graphitization-Oxidation Method," PHYSICS OF THE SOLID STATE, 2004, Vol. 46, No. 4.
A20	

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication with applicant.